

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates to All Actions

DECLARATION OF GENEVIEVE M. ZIMMERMAN

1. My name is Genevieve M. Zimmerman and I am a partner with the Meshbesh & Spence Ltd. law firm. I am a member of the Court appointed Co-Lead Counsel in the above entitled matter.
2. Attached hereto as PX1 is a true and correct copy of the March 30, 2017 expert report of William Jarvis, M.D.
3. Attached hereto as PX2 is a true and correct copy of the March 30, 2017 expert report of Jonathan Samet, M.D, M.S.
4. Attached hereto as PX3 is a true and correct copy of the March 30, 2017 expert report of Michael Stonnington, M.D.
5. Attached hereto as PX4 is a true and correct copy of deposition excerpts of Albert Van Duren 30(b)(6) deposition which occurred in Minneapolis, Minnesota on March 7, 2017.
6. Attached hereto as PX5 is a true and correct copy of Baker, et al., *Infection control hazards of intraoperative forced air warming*. 51 J Hosp Infect 153-154 (2002).
7. Attached hereto as PX6 is a true and correct copy of Beavers, *Acinetobacter Infections among Hospitalized Patients in Kentucky*, 42(2) KENTUCKY EPIDEMIOLOGIC NOTES & REPORTS 1–5 (2007).

8. Attached hereto as PX7 is a true and correct copy of Gjolaj, et al. *Don't Forget to Change the Bair Hugger Filter*, Stanford Medical School (2009).
9. Attached hereto as PX8 is a true and correct copy of *ECRI Update: You're Getting Warm: Uncovering Forced-Air Warming Units*, ECRI Institute, May 1, 2017.
10. Attached hereto as PX9 is a true and correct copy of 3MBH01617179-181.
11. Attached hereto as PX10 is a true and correct copy of 3MBH00529150-151.
12. Attached hereto as PX11 is a true and correct copy of deposition excerpts of Paul McGovern, M.B.B.S., M.R.C.S, which occurred in London, England on January 5, 2017.
13. Attached hereto as PX12 is a true and correct copy of 3MBH01260231-232.
14. Attached hereto as PX13 is a true and correct copy of 3MBH02087963-969.
15. Attached hereto as PX14 is a true and correct copy of Bernards, et al. *Persistent Acinetobacter Baumannii? Look Inside Your Medical Equipment*, 25 INFECT. CONTROL HOSP. EPIDEMIOLOGY 1002–1004 (2004).
16. Attached hereto as PX15 is a true and correct copy of Sax, et al., *Prolonged outbreak of Mycobacterium chimaera infection after open-chest heart surgery*. 61 Clinical Infectious Diseases 67-75 (2015).
17. Attached hereto as PX16 is a true and correct copy of an excerpt from Mosby's Medical Dictionary, 9th edition (2009).
18. Attached hereto as PX17 is a true and correct copy of deposition excerpts of Bradley Presnal, M.D., which occurred in Columbia, South Carolina on December 4, 2017.
19. Attached hereto as PX18 is a true and correct copy of excerpts from the May 2018 trial transcript in *Gareis v. 3M Co. et al.*, Case No. 16-cv-4187 (U.S. District Court, District of Minnesota).

20. Attached hereto as PX19 is a true and correct copy of the March 23, 2017 expert report of Said Elghobashi, M.Sc., Ph.D., D.Sc.
21. Attached hereto as PX20 is a true and correct copy of the April 1, 2018 expert report of Said Elghobashi, M.Sc., Ph.D., D.Sc.
22. Attached hereto as PX21 is a true and correct copy of Legg, et al., *Do Forced Air Patient-Warming Devices Disrupt Unidirectional Downward Airflow?* 94-B(2) J. BONE JOINT SURG. BR. 254–256 (2012).
23. Attached hereto as PX22 is a true and correct copy of Legg, et al., *Forced-Air Patient Warming Blankets Disrupt Unidirectional Airflow*, 95-B J. BONE JOINT SURG. BR. 407–410 (2013).
24. Attached hereto as PX23 is a true and correct copy of Belani, et al., *Patient Warming Excess Heat: The Effects on Orthopedic Operating Room Ventilation Performance*, 117:2 ANESTHESIA ANALGESIA 406–411 (2013).
25. Attached hereto as PX24 is a true and correct copy of Dasari, et al., *Effect of forced air warming on the performance of operating theatre laminar flow ventilation*, 67 Anesthesia 224-249 (2012).
26. Attached hereto as PX25 is a true and correct copy of McGovern et al., *An Investigation of Theatre Ventilation, Patient Warming and Joint Replacement Infection in Orthopaedics*, 93B:11 J BONE & JOINT SURG. 1537-44 (Nov. 2011).
27. Attached hereto as PX26 is a true and correct copy of deposition excerpts of Said Elghobashi, which occurred in Newport Beach, California on June 15, 2017.
28. Attached hereto as PX27 is a true and correct copy of deposition excerpts of Said Elghobashi, which occurred in Irvine, California on February 10, 2018.
29. Attached hereto as PX28 is a true and correct copy of the February 15, 2019 expert report of J.P. Abraham, M.D. (Trombley v. 3M Company, 16-cv-04159).

30. Attached hereto as PX29 is a true and correct copy of Sessler, et al., *Forced-Air Warming Does Not Worsen Air Quality in Laminar Flow Operating Rooms*, 113(6) ANESTHESIA ANALGESIA 1416–1421 (2011).
31. Attached hereto as PX30 is a true and correct copy of 3MBH00580785-789.
32. Attached hereto as PX31 is a true and correct copy of deposition excerpts of Paul McGovern, which occurred in London, England on January 4, 2017.
33. Attached hereto as PX32 is a true and correct copy of deposition excerpts of Andrew John Legg, M.D., which occurred in Sheffield, England on December 1, 2016.
34. Attached hereto as PX33 is a true and correct copy of deposition excerpts of Kumar Belani, M.D., which occurred in Minneapolis, Minnesota on September 7, 2016.
35. Attached hereto as PX34 is a true and correct copy of Perez, et al., *Door openings in the operating room are associated with increased environmental contamination*, 46 Am. J. Inf. Control 954-6 (2018).
36. Attached hereto as PX35 is a true and correct copy of deposition excerpts of Richard Wenzel, M.D., which occurred in Washington, District of Columbia on August 4, 2017.
37. Attached hereto as PX36 is a true and correct copy of He, et al., *Effect of heated-air blanket on the dispersion of squames in an operating room*, Int J. Numer Method Biomed Eng (2018).
38. Attached hereto as PX37 is a true and correct copy of Lidwell, et al., *Airborne contamination of wounds in joint replacement operations: the relationship to sepsis rates*, 4 J Hosp Infect 19-29 (1983).
39. Attached hereto as PX38 is a true and correct copy of Darouiche et al., *Association of Airborne Microorganisms in the Operating Room with Implant Infections: A Randomized Controlled Trial*, 38:1 INF. CONTROL & HOSP. EPIDEMIOLOGY (2017).
40. Attached hereto as PX39 is a true and correct copy of Stocks, et al., *Predicting Bacterial Populations Based on Airborne Particulates: A Study Performed in Non-*

Laminar Flow Operating Rooms During Joint Arthroplasty Surgery, 38(3) AM. J. INF. CONTROL 199–204 (2010).

41. Attached hereto as PX40 is a true and correct copy of Belani_00002-39.
42. Attached hereto as PX41 is a true and correct copy of Wood, et al., *Infection Control Hazards Associated with the Use of Forced-Air Warming in Operating Theatres*, J. HOSP. INF. 1–9 (2014).
43. Attached hereto as PX42 is a true and correct copy of the March 30, 2017 expert report of Yadin David, Ed.D., P.E., C.C.E.
44. Attached hereto as PX43 is a true and correct copy of deposition excerpts of Jonathan Samet, M.D., M.S., which occurred in California on July 11, 2017 and August 8, 2017.
45. Attached hereto as PX44 is a true and correct copy of deposition excerpts of Jonathan Borak, Ph.D., which occurred in Hartford, Connecticut on July 20, 2017.
46. Attached hereto as PX45 is a true and correct copy of 3MBH01627569.
47. Attached hereto as PX46 is a true and correct copy of Albrecht0013733-35.
48. Attached hereto as PX47 is a true and correct copy of deposition excerpts of Michael Reed, M.D., which occurred in London, England on December 4, 2016.
49. Attached hereto as PX48 is a true and correct copy of deposition excerpts of Christopher Nachtsheim, Ph.D., which occurred in Minneapolis, Minnesota on November 29, 2016.
50. Attached hereto as PX49 is a true and correct copy of deposition excerpts of Mark Albrecht, M.S., M.B.A., which occurred in Minneapolis, Minnesota on November 12, 2016.
51. Attached hereto as PX50 is a true and correct copy of excerpts of the deposition of Theodore Holford, Ph.D., which occurred in Hartford, Connecticut on July 18, 2017.

52. Attached hereto as PX51 is a true and correct copy of deposition excerpts of Jonathan Borak, Ph.D., which occurred in New Haven, Connecticut on February 15, 2019.
53. Attached hereto as PX52 is a true and correct copy of Jeans, et al., *Methicillin sensitive staphylococcus aureus screening and decolonization in elective hip and knee arthroplasty*, Journal of Infection (2018).
54. Attached hereto as PX53 is a true and correct copy of Reed, et al., Laminar Air Flow Handling Systems in the Operating Room, 20 Surgical Infections (2019).
55. Attached hereto as PX54 is a true and correct copy of the January 24, 2019 expert report of William Jarvis, M.D. (Trombley v. 3M Company, 16-cv-04159).
56. Attached hereto as PX55 is a true and correct copy of 3MBH00001336-337.
57. Attached hereto as PX56 is a true and correct copy of 3MBH01330587-592.
58. Attached hereto as PX57 is a true and correct copy of 3MBH01944765.
59. Attached hereto as PX58 is a true and correct copy of excerpts of Proceedings of the Second International Consensus Meeting (ICM) on Musculoskeletal Infection.
60. Attached hereto as PX59 is a true and correct copy of 3MBH01623551-552.
61. Attached hereto as PX60 is a true and correct copy of 3MBH02329969.
62. Attached hereto as PX61 is a true and correct copy of excerpts of the Centers for Disease Control and Prevention's Record of Proceedings, November 5-6, 2015.
63. Attached hereto as PX62 is a true and correct copy of 3MBH00297650-663.
64. Attached hereto as PX63 is a true and correct copy of 3MBH00554405.
65. Attached hereto as PX64 is a true and correct copy of 3MBH00799540.

66. Attached hereto as PX65 is a true and correct copy of 3MBH01975262-265.
67. Attached hereto as PX66 is a true and correct copy of 3MBH01332558.
68. Attached hereto as PX67 is a true and correct copy of an FDA Safety Communication and Update, dated October 13, 2016.
69. Attached hereto as PX68 is a true and correct copy of Avidan, et al., *Convection warmers—not just hot air*, 52 ANESTHESIA 1073–1076 (1997).
70. Attached hereto as PX69 is a true and correct copy of Moretti, et al., *Active Warming Systems to Maintain Perioperative Normothermia in Hip Replacement Surgery: A Therapeutic Aid or a Vector of Infection?* 73 J. HOSP. INF. 58–63 (2009).
71. Attached hereto as PX70 is a true and correct copy of Hypothermia: prevention and management in adults having surgery, Section 1.3 – Intraoperative Phase, NICE (2008).
72. Attached hereto as PX71 is a true and correct copy of 3MBH00024733-734.
73. Attached hereto as PX72 is a true and correct copy of 3MBH00932515-516.
74. Attached hereto as PX73 is a true and correct copy of 3MBH00500237-238.

Dated: February 21, 2019

/s/ Genevieve M. Zimmerman

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